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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,039	10/30/2003	Seiichi Hirai	500.43244X00	6037
24956 7590 04/08/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
EXAMINER				
MISLEH, JUSTIN P				
ART UNIT		PAPER NUMBER		
2622				
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04/08/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/696,039

**Applicant(s)**

HIRAI ET AL.

**Examiner**

JUSTIN P. MISLEH

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3 and 6 - 10 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 30, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to Claims 1 and 8 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, and 7 - 9** are rejected under 35 U.S.C. 102(e) as being anticipated by Fredlund et al. (US 2004/0021669 A1).

5. For **Claims 1 and 8**, Fredlund et al. disclose, as shown in figures 4 and 6 – 8, a method of storing image data, comprising the steps of:

obtaining image data from a plurality of image pick-up units (via imager system 86 – figure 4; Without further specification in the claim language, the Examiner considers each pixel in the image sensor to be a different image pick-up unit. Accordingly, each image sensor contains a plurality of image pickup units. See paragraph 35);

recording said image data in a first recording apparatus (primary memory 66 and/or secondary memory device 68 – figure 4);

retrieving said image data (see figure 8) recorded in said first recording apparatus (primary memory 66 and/or secondary memory device 68) in accordance with a predetermined retrieval condition (“Are there new images?”, step 146 – figure 6);

displaying said retrieved image data (see figure 8) as a list of information relating to said retrieved image data on a display (172 – see figure 8); and

selecting predetermined information from said list of information (thumbnail images 170 and options for disposition 174 via 4-way switch 46 – see figures 2 and 8), reading image data related to the selected predetermined information from said first recording apparatus (original image data stored in primary or secondary memory; see paragraphs 44 and 79), by comparing the selected predetermined information to image data recorded in said first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, and recording said read out image data related to the selected predetermined information in a second recording apparatus (external memory system 32 – see figure 4; As shown in figure 8, a thumbnail image 170 and option for

disposition 174 is displayed for each thumbnail image. Once an option, such as copy, the system retrieves actual image data and associated metadata and transfers it to the external memory system 32. Since the thumbnail image and/or the associated option for disposition are linked to the original data, it is considered the “predetermined information” that is selected, compared, and responsible for actions to be performed on the image data. See paragraphs 75 – 84 for further support.),

wherein said read out image data is image data specified by said selecting as specified image data to be preserved over a long period of time (The image data is stored in an archival memory device; see paragraph 29 and 56.), and

wherein when a total amount of all specified image data to be preserved over a long period of time in said second recording apparatus exceeds an unoccupied portion of said second recording apparatus (see steps 150 and 156 in figure 6), an indication of such is provided on said display (see paragraph 79).

6. For **Claim 8**, Fredlund et al. disclose, as shown in figures 4 and 6 – 8, a method of storing image data, comprising the steps of:

obtaining image data from an image pick-up unit (via imager system 86 – figure 4);  
recording said image data in a first recording apparatus (primary memory 66 and/or secondary memory device 68 – figure 4);

retrieving said image data (see figure 8) recorded in said first recording apparatus (primary memory 66 and/or secondary memory device 68) in accordance with a predetermined retrieval condition (“Are there new images?”, step 146 – figure 6);

displaying said retrieved image data (see figure 8) as a list of information relating to said retrieved image data on a display (172 – see figure 8); and

selecting predetermined information from said list of information (thumbnail images 170 and options for disposition 174 via 4-way switch 46 – see figures 2 and 8), reading image data related to the selected predetermined information from said first recording apparatus (original image data stored in primary or secondary memory; see paragraphs 44 and 79), by comparing the selected predetermined information to image data recorded in said first recording apparatus, selecting for read out image data related to the selected predetermined information based on the comparison and reading out the selected image data, and recording said read out image data related to the selected predetermined information in a second recording apparatus (external memory system 32 – see figure 4; As shown in figure 8, a thumbnail image 170 and option for disposition 174 is displayed for each thumbnail image. Once an option, such as copy, the system retrieves actual image data and associated metadata and transfers it to the external memory system 32. Since the thumbnail image and/or the associated option for disposition are linked to the original data, it is considered the “predetermined information” that is selected, compared, and responsible for actions to be performed on the image data. See paragraphs 75 – 84 for further support.),

wherein said read out image data is image data specified by said selecting as specified image data to be preserved over a long period of time (The image data is stored in an archival memory device; see paragraph 29 and 56.), and

wherein when a total amount of all specified image data to be preserved over a long period of time in said second recording apparatus exceeds an unoccupied portion of said second

recording apparatus (see steps 150 and 156 in figure 6), an indication of such is provided on said display (see paragraph 79).

7. As for **Claims 2 and 9**, Fredlund et al. disclose, as shown in figures 4 and 6 – 8, wherein said image data contains information from a sensor (imager system 86) and said list of information contains information from said sensor (thumbnail images are from the sensor 86).
8. As for **Claim 7**, Fredlund et al. disclose, as shown in figure 4, wherein said second recoding apparatus comprises a removable recording medium (100 can be a DVD; see step 156 in figure 6).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 3 6, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (US 2004/0021669 A1).
11. As for **Claims 3 and 10**, Fredlund et al. disclose, as shown in figure 8, displaying a descriptor of content (172) which is based upon metadata attached to the image (See paragraph 83). Fredlund et al. also indicate the metadata can contain date and time information from when the image data was obtained (See paragraphs 40 – 42). Although, Fredlund et al. do not necessarily disclose using the date/time information as part of the descriptor of content.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of displaying thumbnail image data along with the date/time information from when the original image data was captured are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included date/time information in the descriptor of content information shown in Fredlund et al. for the advantage of *further convenience to the user*.

12. As for **Claim 6**, Fredlund et al. disclose, as shown in figures 4 and 6 – 8, wherein said image data is added with metadata. Although, Fredlund et al. do not necessarily disclose further attaching reproduction software with the image data prior to transferring the image data.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of attaching reproduction software with the image data prior to transferring the image data are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included attaching reproduction software with the image data prior to transferring the image data shown in Fredlund et al. for the advantage of *expanding the image transferring capabilities of the system*.

#### ***Allowable Subject Matter***

13. **Claims 4, 5, and 11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/  
Examiner, Art Unit 2622  
April 8, 2008**